

**Queen Anne's County Liquor Board
Minutes of Meeting**

September 3, 2019

9:00 a.m.

The Board of License Commissioners of Queen Anne's County met on Tuesday, September 3, 2019 at 9:00 A.M. at 110 Vincit St., Centreville, MD. The meeting was called to order by Chairman Joyce E. Jones, Esq. Those present were: Thomas E. Beery, Vice Chairman; John T. McQueeney and Timothy G. Hibbard, Members; Jeffrey E. Thompson, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; William J. Council, Liquor Inspector; and Vivian Swinson, Zoning Administrator. Member Maurice Dashiell was absent.

The Minutes from the August 5, 2019 Liquor Board meeting were approved as written.

A motion was made by Mr. McQueeney, seconded by Mr. Beery, to move the hearing on the compliance check next on the Agenda.

Pursuant to §4-603 of Alcoholic Beverages I of the Annotated Code of Md., a hearing was held on the following business regarding a compliance check completed by Bill Council, Liquor Inspector.

Sunset Grill at Rolphs' Wharf – it was alleged that an employee violated §27-1902(b) of the Annotated Code of Maryland, in that on July 26, 2019 an employee under the age of 21 sold alcohol. Mr. Thompson administered the oath to all who were to testify. There was no one else present to testify for or against this violation. Mr. Charles Dreibelbis, license holder, appeared before the Board. He confirmed that he received a letter from this Board dated 8/7/19 notifying him of this hearing and the allegations. He agreed that this violation did occur and he is not contesting the charges. However, he said he was confused about the whole situation. Mr. Council said he received a complaint about the store on the premises selling beer and the person selling it looked young. So Mr. Council went to the premises. A gentleman was coming out with a bag of chips and an unopened can of Miller beer and stated that he purchased it in the store. Mr. Council entered the store and asked the young lady if she sold the beer and she said, yes. She was 20 yrs. old. Mr. Council did a check about a year ago of this premises and found a 19 yr. old young lady there, although he did not see her sell any alcohol. Mr. Council did advise Mr. Dreibelbis at that time that anyone selling alcohol had to be 21 years of age. Mr. Council said he later realized that this premises has a "B" license which does not allow alcohol "to go". He returned to the property and advised them that they were not allowed to sell alcohol off-premises. Mr. Dreibelbis was under the assumption that he could but that he would take the alcohol out of the store completely. Mr. Council said he spoke to Mr. Dreibelbis' wife who stated that based on information she heard at a TIPS class, she thought someone 18 yrs. old could sell alcohol. Mr. Council explained to her that someone 18 yrs. of age in a restaurant can serve alcohol to a table but they cannot go behind the bar and

make it or sell it. Ms. Jones reminded Mr. Dreibelbis that effective July 1 there must always be someone on site with a current TIPS card. Mr. Dreibelbis said he lives at the site and is there 24 hrs. a day. He has had this license for approx. 25 years and had no idea that you had to be 21 yrs. of age to sell alcohol. He had also contacted the Liquor Bd. at that time and was advised that he was allowed to sell beer to go. Mr. McQueeney said the Board made a mistake on that in the past. Ms. Jones made a motion to take no action on this matter. She said although a violation did occur, there was confusion as to what they were allowed to do. She suggested that Mr. Dreibelbis obtain a current TIPS card. After further discussion, Mr. McQueeney said he would like to amend the motion to fine the licensee \$500 and put it in abeyance for a year from today's date (until September 3, 2020). This means Mr. Dreibelbis does not have to pay the fine unless he has another violation between now and September 3, 2020. He would then have to pay the \$500 fine plus whatever the other penalty would be. The motion was seconded by Mr. Beery. All members voted in favor.

The following Special/Temporary licenses were reviewed:

Corsica River Yacht Club – Date of event – September 15
(Chesapeake Charities) Anthony's Run – Date of event – September 21
Queen Anne/Hillsboro Vol. Fire Dept. – Date of event – October 19
Rotary of Kent Island – Date of event – November 2

The Board discussed the one day application for "Anthony's Run" which indicates the event will be held at Anchors & Oars which is not a non-profit organization. Mr. Thompson said these types of events are usually fundraisers for someone who may be deceased, for instance, Conner's Run. Mr. Council said Anthony's Run is exactly that. A motion was made by Mr. McQueeney, seconded by Mr. Beery, to approve the one day licenses. All members voted in favor. **NOTE:** After further review, Mr. Council advised Ms. Maxwell that this license should have been applied for by "Chesapeake Charities" which is a non-profit.

The Board held a hearing for a new Class "A" beer and wine license for Shamsheesh K. Suhas, for the benefit of Crownsville Exxon, Inc., trading as Sunoco Truck Stop, located at 400 Thompson Creek Rd., Stevensville, MD 21666. Mr. Thompson administered the oath to all who were to testify. No one else appeared in favor or in opposition to this application. Mr. Sahus and his attorney, Joseph McQueeney, Esq. appeared before the Board. Mr. John McQueeney recused himself as he is Joseph McQueeney's father. Mr. Thompson reviewed the application with Mr. McQueeney. All required paperwork was submitted and in order. The licensed premises will be the building only, nothing outside. Mr. Suhas is the only officer and stockholder and owns 100% of Crownsville Exxon, Inc. He is the designated president, secretary and treasurer. Mr. Suhas has never had an alcohol license revoked. He has no financial interest in any other business which has had a license granted. Mr. Suhas said his business is a small gas station and he would like to add something that is convenient for the people in the neighborhood. Mr. McQueeney reviewed §4-210 of the Alcoholic Beverages Article. Mr. Suhas believes there is a public need and desire for this license. Thompson Creek Liquors and the Winery are in the vicinity but you must enter the highway to reach them. For instance, people

living in the Thompson Creek Condominium. Mr. Sahus does not feel this license would have any adverse effect on liquor stores in the area. He just wants to be a small business serving the community. He has adequate parking. He is TIPS trained and is aware that there must be someone on premises at all times who is TIPS certified. He has ample room in the store for the alcohol. The former operators of the store struggled to operate without the benefit of a beer and wine license. He does not sell food, just candy, sodas, etc. A motion was made by Mr. Hibbard, seconded by Mr. Beery, to approve the license. All members voted in favor.

The Board reviewed an application for advertising a new Class "B" beer & wine license for Gorsel Teker, for the benefit of Teker, LLC, trading as Milano's Pizzeria, located at 6346 Church Hill Rd., Chestertown, MD 21620. Ms. Teker appeared before the Board. Mr. Thompson reviewed the application and made some minor changes. Ms. Teker said she personally knows the people who signed the application. The former operator of the subject premises had a beer and wine license. All alcohol sales will be inside the existing building, nothing outside. Ms. Jones told Ms. Teker that someone must be on premises at all times with a current TIPS card. Ms. Teker plans to take the TIPS course as soon as possible. Mr. Thompson said Ms. Teker needs to supply the Board with a drawing of the property highlighting where the alcohol will be located. A motion was made by Mr. Beery, seconded by Mr. Hibbard, to approve this application or advertising, pending receipt of a drawing of the proposed licensed premises by this Friday. All members voted in favor.

The Board discussed pending legislation. Regarding the changes to "controlling interest", Ms. Jones recommended one minor change which was to change the language to "interest/shareholder". Regarding the changes to "distance requirement from churches", the only change will be to delete "a place of worship". Mr. Thompson will send these pending legislation to the Co. Commissioners so that a public hearing can be scheduled.

Mr. Council, Liquor Inspector, did 64 business checks and 18 compliance checks, with four violations, in August. These will be on the October 1 Agenda for a hearing. Mr. Council discussed one day expansions for special events that include parking lots. He feels that these expansions should have to be approved by Planning & Zoning. Ms. Swinson, Zoning Administrator, said one business asked to do an outside event on their parking lot and she advised them they could not do this because it interfered with the parking and flow of parking. This same business then received permission from this Board for a one day event and Ms. Swinson advised them at that time that the next time her office would recommend denial. The Board agreed that this is a good idea. Mr. Council discussed with the Board who can be charged for a compliance check, the license holder or the employee who sold the alcohol. Mr. Council referred to §27-2702. He said he has discussed this with Sheriff Hofmann and perhaps Sheriff Hofmann could attend a future meeting. Mr. Thompson referred to §6-304 which states "a license holder or an employee of the license holder may not sell or provide alcoholic beverages to an individual under the of 21 years". Mr. Beery referred to §27-205(d) which states "Enforcement of violations – "The Office of the Sheriff shall enforce violations of §6-304 of this Article". Mr. Thompson said it then says "an inspector has no power of arrest". Ms. Jones said you don't have to arrest someone to give them a citation. Mr. Beery said the

inspector can investigate but he can't do anything beyond that. Mr. Thompson said the Court has the power to jail and fine. This Board has the power to take a license. Mr. Thompson said this is different because there is only a problem when the license holder is also the seller. Otherwise you have two different issues. You have the license holder on the administrative side and then you have the employee on the other side. Ms. Jones said she has had these types of cases in court and they do charge the license holder and the employee. She told Mr. Council that the Board will wait until Sheriff Hofmann gets back to him and proceed from there. Ms. Jones suggested that Mr. Council put it in writing to the licensee after he gives them a verbal warning. Mr. Council discussed the new Tips/Tams law effective July 1. The Board agreed that for the first offense, the license holder can simply pay the \$100 fine without appearing before the Board if he is not contesting the charge. It will be discretionary for any future offenses. Mr. Council said he can write them a letter advising them that they can pay the fine or if they wish to contest, they may appear before the Board. For any subsequent offense the fine is up to \$500.

There being no further business the meeting was adjourned to meet again on Tuesday, October 1, 2019.

Respectfully Submitted,


Cathy Maxwell, Clerk


Joyce E. Jones, Esq., Chairman